IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 926 of 1998

Between:

M/s Ganesh co., Rep.by its Proprietor,
Mr.Ganesh Parshad, Late Sri Ganga Parshad, H.No.1-5-199/B/1,
Narayanaguda, Hyderabad.

..... PETITIONER

AND

1 Assistant City Planner,
Circle No.III, Budhabhavan,
Tank Bund, Hyderabad.

2 Municipal Corporation of Hyderabad, Rep. by its Commissioner,
Tank Bund, Hyderabad.

(WP as against R1 was dismissed for default as per Court order dated 4-9-01)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to for the reasons stated in the accompanying Affidavit, it is prayed that this Hon'ble Court may be pleased to pray for a Writ, order or direction in the nature of Writ of Mandamus or otherwise be issued declaring the action of the Respondent in proceedings against the petitioner's property bearing Municipal No.1-2-597/36 to 41, part of Survey No.52/A, situated at Rasulpura, Lower Tank Bund, Hyderabad without any notice and opportunity to the petitioner under the provisions of the M.C.H. Act or any other Act is wholly ultravires, without jurisdiction, arbitrary, unconstitutional and illegal and consequently fore-bear the Respondents from taking any such action to dispossess the petitioner from the schedule premises and demolish the same without following due process of law under the provisions of M.C.H. Act.

Counsel for the Petitioner: MR.R.SATYANARAYANA REDDY
Counsel for the Respondents: MR.G.RAMA RAO

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in proceeding against the petitioner's property bearing Municipal No.1-2-597/36 to 41, part of Survey No.52/A and 53/A, situated at Rasulpura, Lower Tank Bund, Hyderabad, without any notice and opportunity to the petitioner under the provisions of the Municipal Corporation of Hyderabad Act or any other Act as wholly ultra vires and without jurisdiction.

While issuing rule nisi, this Court by its order, dated 12-01-1998, directed the respondents not to dispossess the petitioner otherwise than by due process of law and also not to demolish the structures raised by the petitioner otherwise than by due process of law.

In fact, the complaint of the petitioner is that the respondents are interfering with its peaceful possession without any notice as contemplated under the Municipal Corporation of Hyderabad Act, and the interim orders passed by this Court on 12-01-1998 has sufficiently taken care of the petitioner's grievance. Hence no orders are required to be passed.

Accordingly, the writ petition is closed.

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07-12-2004

vs

To

1 Municipal Corporation of Hyderabad, Rep. by its Commissioner,
Tank Bund, Hyderabad.

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